

# **EXHIBIT D**

Excerpted For Length

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**From:** Bender, Kristin  
**Sent:** Tuesday, July 1, 2025 10:20 PM  
**To:** Theresa Troupson; Local KAF. Counsel; Ellyn Garofalo  
**Cc:** Christina Puello; Stephanie Roeser; Chip Babcock; Joel Glover; Bryan Freedman; Miles Cooley; Jason Sunshine; Local MS. Counsel; Stacey Ashby; Amit Shertzer; mitra@ahouraianlaw.com; Cortni Davis; Vaneta Birtha; Jose Perez; Summer Benson; Gottlieb, Michael; Governski, Meryl Conant; Nathan, Aaron E.; Matthew Bruno; Connolly, Michaela; Esra Hudson; Katelyn Climaco; Taustine, Melissa; kristintahler@quinnemanuel.com; nicholasinns@quinnemanuel.com  
**Subject:** RE: Lively v. Wayfarer

Counsel,

We understand that you are eager to select dates for your clients' depositions, as are we, but the minimal availability that you have provided is making it extremely difficult to do so. We do not understand how the vast amount of your clients are available only for 1 or 2 days over the course of the next 6 weeks. We are entitled to take depositions in the order of our preference subject to actual witness availability, and we have taken great pains to afford you the same—most notably by accommodating your express preference to depose Ms. Lively as one of the first deponents. These scheduling challenges are further exacerbated by the fact that we are in the middle of noticing and scheduling additional third parties, which now need to be layered on top of the current schedule, and whose availability must be accounted for.

Please provide additional dates of availability for the below witnesses and explain why Ms. Nathan, Ms. Abel, Mr. Baldoni, Mr. Heath, and Mr. Sarowitz are unavailable except for limited specific dates in an apparent triaged order selected for them. We recall, for example, that you previously indicated Ms. Nathan was only available on August 14 and Ms. Abel was only available on August 15 (outside the discovery period). We will be able to provide Wayfarer 30(b)(6) topics this week.

Best,  
 Kristin

**Kristin Bender**  
**Willkie Farr & Gallagher LLP**  
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[kbender@willkie.com](mailto:kbender@willkie.com) | <vCard> | [www.willkie.com bio](http://www.willkie.com/bio)

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**From:** Theresa Troupson <ttroupson@lftcllp.com>  
**Sent:** Tuesday, July 1, 2025 12:17 PM  
**To:** Bender, Kristin <KBender@willkie.com>; Local KAF. Counsel <kaf@msf-law.com>; Ellyn Garofalo <egarofalo@lftcllp.com>  
**Cc:** Christina Puello <cpuello@lftcllp.com>; Stephanie Roeser <SRoeser@manatt.com>; Chip Babcock <cbabcock@jw.com>; Joel Glover <jglover@jw.com>; Bryan Freedman <bfreedman@lftcllp.com>; Miles Cooley <mcooley@lftcllp.com>; Jason Sunshine <jsunshine@lftcllp.com>; Local MS. Counsel <ms@msf-law.com>; Stacey Ashby <sma@msf-law.com>; Amit Shertzer <as@msf-law.com>; mitra@ahouraianlaw.com; Cortni Davis <cdavis@lftcllp.com>; Vaneta Birtha <vbirtha@lftcllp.com>; Jose Perez <jperez@lftcllp.com>; Summer Benson <sbenson@lftcllp.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Nathan, Aaron E. <ANathan@willkie.com>; Matthew Bruno <MBruno@manatt.com>; Connolly, Michaela <MConnolly@willkie.com>; Esra

Hudson <EHudson@manatt.com>; Katelyn Climaco <KClimaco@manatt.com>; Taustine, Melissa <MTaustine@willkie.com>

**Subject:** Re: Lively v. Wayfarer

\*\*\* EXTERNAL EMAIL \*\*\*

Counsel:

Please advise as soon as possible which of the below dates you would like to confirm.

Regards,  
Theresa Troupson

On Jun 30, 2025, at 11:17 AM, Theresa Troupson <[ttroupson@lftcllp.com](mailto:ttroupson@lftcllp.com)> wrote:

Counsel:

Further to our call last week, we can offer the following deposition dates for our clients:

Jamey Heath: July 28 or 29  
Justin Baldoni: July 30 or 31  
Melissa Nathan: August 13  
Jennifer Abel: August 14  
Steve Sarowitz: August 5 or 7

As discussed on our call, we can provide more information about availability for Rule 30(b)(6) deponents when we have greater clarity on the topics on which the entities will be preparing a witness to testify. Please let us know when we can expect that information so that we can confirm availability as soon as possible.

Regards,

Theresa M Troupson  
Partner  
LINER FREEDMAN TAITELMAN + COOLEY LLP  
1801 Century Park West, 5th Floor  
Los Angeles, California 90067  
Telephone: (310) 201-0005  
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**From:** Theresa Troupson  
**Sent:** Tuesday, June 24, 2025 6:02 PM  
**To:** Bender, Kristin <[KBender@willkie.com](mailto:KBender@willkie.com)>; Local KAF. Counsel <[kaf@msf-law.com](mailto:kaf@msf-law.com)>; Ellyn Garofalo <[egarofalo@lftcllp.com](mailto:egarofalo@lftcllp.com)>

**Cc:** Christina Puello <[cpuello@lftcllp.com](mailto:cpuello@lftcllp.com)>; Stephanie Roeser <[SRoeser@manatt.com](mailto:SRoeser@manatt.com)>; Chip Babcock <[cbabcock@jw.com](mailto:cbabcock@jw.com)>; Joel Glover <[jglover@jw.com](mailto:jglover@jw.com)>; Bryan Freedman <[bfreedman@lftcllp.com](mailto:bfreedman@lftcllp.com)>; Miles Cooley <[mcooley@lftcllp.com](mailto:mcooley@lftcllp.com)>; Jason Sunshine <[jsunshine@lftcllp.com](mailto:jsunshine@lftcllp.com)>; Local MS. Counsel <[ms@msf-law.com](mailto:ms@msf-law.com)>; Stacey Ashby <[sma@msf-law.com](mailto:sma@msf-law.com)>; Amit Shertzer <[as@msf-law.com](mailto:as@msf-law.com)>; [mitra@ahouraianlaw.com](mailto:mitra@ahouraianlaw.com); Cortni Davis <[cdavis@lftcllp.com](mailto:cdavis@lftcllp.com)>; Vaneta Birtha <[vbirtha@lftcllp.com](mailto:vbirtha@lftcllp.com)>; Jose Perez <[jperez@lftcllp.com](mailto:jperez@lftcllp.com)>; Summer Benson <[sbenson@lftcllp.com](mailto:sbenson@lftcllp.com)>; Gottlieb, Michael <[MGottlieb@willkie.com](mailto:MGottlieb@willkie.com)>; Governski, Meryl Conant <[MGovernski@willkie.com](mailto:MGovernski@willkie.com)>; Nathan, Aaron E. <[ANathan@willkie.com](mailto:ANathan@willkie.com)>; Matthew Bruno <[MBruno@manatt.com](mailto:MBruno@manatt.com)>; Connolly, Michaela <[MConnolly@willkie.com](mailto:MConnolly@willkie.com)>; Esra Hudson <[EHudson@manatt.com](mailto:EHudson@manatt.com)>; Katelyn Climaco <[KClimaco@manatt.com](mailto:KClimaco@manatt.com)>; Taustine, Melissa <[MTaustine@willkie.com](mailto:MTaustine@willkie.com)>

**Subject:** RE: Lively v. Wayfarer

Counsel, in advance of tomorrow's call, we can offer the following deposition dates:

Jamey Heath: July 28 or 29

Justin Baldoni: July 30 or 31

Please advise which date you prefer for each deponent.

Regards,

Theresa M Troupson

Partner

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**From:** Bender, Kristin <[KBender@willkie.com](mailto:KBender@willkie.com)>

**Sent:** Tuesday, June 24, 2025 4:28 PM

**To:** Local KAF. Counsel <[kaf@msf-law.com](mailto:kaf@msf-law.com)>; Ellyn Garofalo <[egarofalo@lftcllp.com](mailto:egarofalo@lftcllp.com)>

**Cc:** Christina Puello <[cpuello@lftcllp.com](mailto:cpuello@lftcllp.com)>; Theresa Troupson <[ttroupson@lftcllp.com](mailto:ttroupson@lftcllp.com)>; Stephanie Roeser <[SRoeser@manatt.com](mailto:SRoeser@manatt.com)>; Chip Babcock <[cbabcock@jw.com](mailto:cbabcock@jw.com)>; Joel Glover <[jglover@jw.com](mailto:jglover@jw.com)>; Bryan Freedman <[bfreedman@lftcllp.com](mailto:bfreedman@lftcllp.com)>; Miles Cooley <[mcooley@lftcllp.com](mailto:mcooley@lftcllp.com)>; Jason Sunshine <[jsunshine@lftcllp.com](mailto:jsunshine@lftcllp.com)>; Local MS. Counsel <[ms@msf-law.com](mailto:ms@msf-law.com)>; Stacey Ashby <[sma@msf-law.com](mailto:sma@msf-law.com)>; Amit Shertzer <[as@msf-law.com](mailto:as@msf-law.com)>; [mitra@ahouraianlaw.com](mailto:mitra@ahouraianlaw.com); Cortni Davis <[cdavis@lftcllp.com](mailto:cdavis@lftcllp.com)>; Vaneta Birtha <[vbirtha@lftcllp.com](mailto:vbirtha@lftcllp.com)>; Jose Perez <[jperez@lftcllp.com](mailto:jperez@lftcllp.com)>; Summer Benson <[sbenson@lftcllp.com](mailto:sbenson@lftcllp.com)>; Gottlieb, Michael <[MGottlieb@willkie.com](mailto:MGottlieb@willkie.com)>; Governski, Meryl Conant <[MGovernski@willkie.com](mailto:MGovernski@willkie.com)>; Nathan, Aaron E. <[ANathan@willkie.com](mailto:ANathan@willkie.com)>; Matthew Bruno <[MBruno@manatt.com](mailto:MBruno@manatt.com)>; Connolly, Michaela <[MConnolly@willkie.com](mailto:MConnolly@willkie.com)>; Esra Hudson <[EHudson@manatt.com](mailto:EHudson@manatt.com)>; Katelyn Climaco <[KClimaco@manatt.com](mailto:KClimaco@manatt.com)>; Taustine, Melissa <[MTaustine@willkie.com](mailto:MTaustine@willkie.com)>

**Subject:** Re: Lively v. Wayfarer

That still works for me. Thank you.

On June 24, 2025 at 6:52:57 PM EDT, Kevin A. Fritz <[kaf@msf-law.com](mailto:kaf@msf-law.com)> wrote:

\*\*\* EXTERNAL EMAIL \*\*\*

Me too

Sent from my iPhone

On Jun 24, 2025, at 6:50 PM, Elyn Garofalo <[egarofalo@lftcllp.com](mailto:egarofalo@lftcllp.com)> wrote:

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Works for me  
Sent from my iPhone

On Jun 24, 2025, at 3:42 PM, Christina Puello  
<[cpuello@lftcllp.com](mailto:cpuello@lftcllp.com)> wrote:

All,

Following up on this call. Please let me know if this works  
for all and I will circulate the invite.

Thank you,  
Christina

Christina Puello  
Executive Assistant to Bryan Freedman  
LINER FREEDMAN TAITELMAN + COOLEY, LLP  
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